

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Co-op Mining Company/Bear Canyon Mine
Permit #: C/015/025

NOV # N03-46-2-2
Violation # 2 of 2

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input checked="" type="checkbox"/> | e. | Environmental harm. |
| <input checked="" type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: Four culverts in the surface drainage system had not been maintained as necessary. Culvert C-20U had at least 50% of its cross sectional area blocked for its entire 20-foot length. A 30-inch culvert, C-1U, had its inlet obstructed by several large boulders. Culverts C-18U and C-20U had become disconnected from their respective flexible discharge tubes, allowing short circuiting to occur and erosion to occur at the head of a 1:1 slope.

2. Has the even occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Visual observation of the culverts confirmed that, at best, they would function in a reduced capacity and not allow the surface drainage system to function as designed. Erosion of the slope would occur where the flexible conduits had become detached from culverts C-18U and C-20U.

3. Did any damage occur as a result of the violation? Yes

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Erosion was noted where the flexible conduits had become detached from the discharge ends of culverts C-18U and C-20U. Extensive damage would have occurred had the site received a design event.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The engineer handling compliance at the Bear Canyon site is somewhat inexperienced relative to what is evaluated during an inspection; hence, he is somewhat unaware of what is usually looked at. Not knowing seems to best describe the situation here.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of a specific permit condition?

Explanation: _____

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The violation was issued on 1/22/2003 at approximately 11 AM. The permittee was given until February 5, 2003 at 5 PM to make the necessary repairs. The permittee notified the inspector on 1/24/2003 at approximately 2 PM that the repairs had been made to the four culverts. This was confirmed on 1/27/2003. The permittee responded to this situation in an expeditious manner and should be considered for all possible "good faith" points.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The permittee had the necessary resources on site to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Peter Hess
Authorized Representative

Signature

December 28, 2003
Date